

Applicant: Barbara Fava

Agent: Daniel Denton

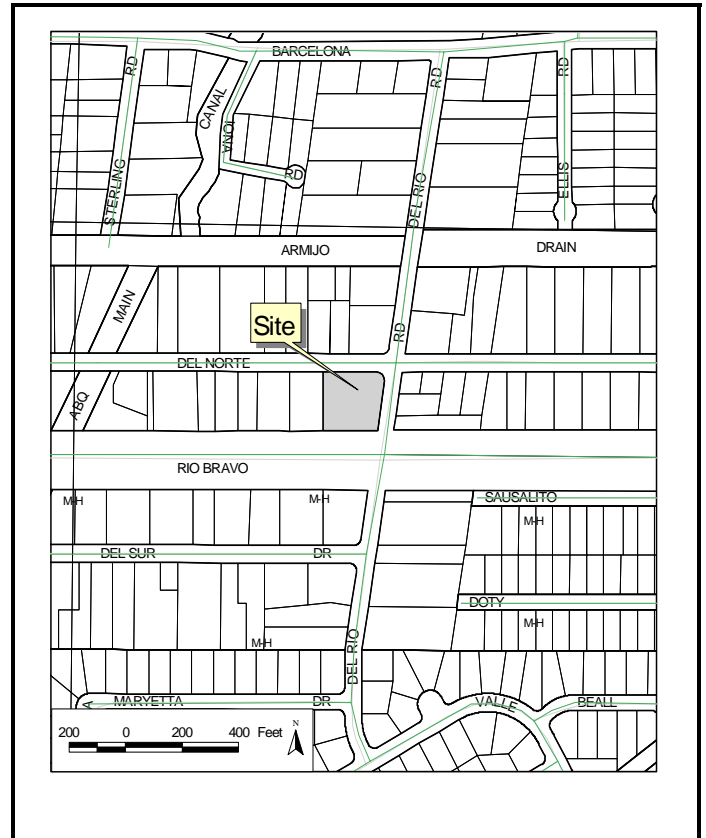
Location: 2408 Del Norte Drive SW

Property Size: Approximately .91 acres

Existing Zone: R-1

Proposed Zoning/SUP: Special Use Permit for a Specific Use for Beauty Shop

Recommendation: Deferral



Summary: This case was deferred from the November 2, 2005 public hearing in order to allow the applicant to revise the request. The applicant has made several significant revisions to the proposal. The current submittal is now a request for a Special Use Permit for a Specific Use for Beauty Shop rather than a zone change request, which was presented, to the County Planning Commission on November 2, 2005.

Staff Planner: Enrico Gradi, Program Planner

Attachments:

1. Application
2. Land Use and Zoning Maps
3. Letter from Neighborhood Association

Bernalillo County Departments and other interested agencies reviewed this application from 2-28-06 to 3-13-06.

Agency comments are verbatim and were used in preparation of this report, which begins on page 10.

AGENDA ITEM NO.: 6
County Planning Commission
April 5, 2006

CSU-60013 Daniel Denton, agent for Barbara Fava, request approval of a Special Use Permit for a Specific Use for Beauty Shop (7,242 square foot building) on Lot 35, Del Rio Acres, located at 2408 Del Norte Drive SW, on the northwest corner of Rio Bravo Boulevard and Del Rio Road, zoned R-1, containing approximately .91 acres. (P-12) (DEFERRED FROM THE NOVEMBER 2, 2005 HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

| | Zoning | Land Use |
|--------------|---------------|---|
| Site | R-1 | Vacant |
| North | R-1 | Vacant/Single Family Dwelling |
| South | M-H | Rio Bravo Boulevard/Single Family Dwellings |
| East | A-1 | Vacant/Single Family Dwelling |
| West | R-1 | Single Family Dwelling |

BACKGROUND:

The Request

The applicant is requesting a zone change from R-1 to C-N on the northwest corner of Rio Bravo Boulevard and Del Rio Road SW. The site abuts R-1 zoning on the north, east and west sides and

Rio Bravo Boulevard abuts the southern boundary of the site. Surrounding land uses are comprised of single-family dwellings.

The site encompasses approximately .91 acres and is located along Rio Bravo Boulevard adjacent to the intersection of Rio Bravo Boulevard and Del Rio Road. The request is for a Beauty Salon which includes a 12 seat waiting area, 3 stations for manicures and pedicures, 5 hair cutting stations, 1 facial and waxing room and a tanning room. The proposed hours of operation are from 9 am to 6 pm Monday through Saturday.

Request Justification

The applicant maintains that the request is justified according to Resolution 116-86 in that the zone change is more beneficial to the community as defined in the Albuquerque/Bernalillo County Comprehensive Plan and the Southwest Area Plan. The applicant cites the policies contained in the Semi-Urban Section of the Comprehensive Plan, these policies encourage small-scale local businesses such as the requested use.

Surrounding Land Use and Zoning Activity

The surrounding area consists of single-family dwellings on parcels of one acre to ¼ acre. The surrounding zoning is R-1 in this neighborhood.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is within the Semi Urban Area as designated in the Comprehensive Plan. The goal in the Comprehensive Plan is to “maintain the character and identity of semi urban areas, which have environmental, social or cultural conditions limiting urban land uses.”

Land Use:

Policy a states that development in the semi-urban area shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre.

Policy b states “development in semi-urban areas shall include trail corridors, where appropriate, and shall be compatible with economic policies and historical and socio-cultural values, and shall maintain and integrate existing and new buildings and spaces of local significance into the community.”

Policy c states that the following policies shall govern industrial and commercial development in the Semi-Urban areas.

- Neighborhood-scale rather than regional-scale commercial centers are appropriate.
- “Mixed use areas should protect residential uses in the area, while offering a variety of local employment opportunities.”
- “Strip commercial development is discouraged in favor of clustered commercial development.”

Southwest Area Plan (SWAP)

Policy 25 states “The City and County shall stabilize residential zoning and land use in the Plan area.”

- f) Encourage stabilization of residential land use through subdivision design and scale

Policy 26 states “Allow up to three dwelling units per net acre in Residential Area 3 when City sewer is available, or a maximum of one dwelling unit per acre when using individual liquid waste disposal systems.”

Policy 29 states "All land uses in the plan area, which are or reflect a M-1 or M-2 land use shall require a detailed site plan and landscape plan, including phasing (if applicable)."

- a) Promote a visually pleasing business environment by creating attractive surroundings. To achieve this, provide appropriate native drought tolerant plants and trees with a 30 foot landscaped area fronting the main access road. Landscape elements shall be consistent throughout the area roadways.

Policy 30 state “ Standards for outdoor lighting shall be implemented to ensure that their use does not interfere with the night sky environment and unnecessarily adjacent properties.”

- a. Outdoor light poles within residential areas should not exceed sixteen (16) feet in height above existing grade; when mounted on buildings or structures, fixtures should not exceed twelve (12) feet from existing grade.

Policy 32 states “Increase the visual character and quality of the streetscape and overall development by encouraging enhanced use of required perimeter walls.”

Discourage long expanses of uninterrupted wall surface and encourage walls to be indented, offset, or in a serpentine form to avoid a tunnel effect.

Bernalillo County Zoning Ordinance

Resolution 116-86 states criteria for evaluating a zone change.

The applicant must demonstrate that the existing zone is inappropriate because of:

1. An error in the original zone map.
2. Changed neighborhood conditions, which justifies a change in land use or
3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC.

In addition, Resolution 116-86 states that one general policy for deciding a zone change is that the proposed land change must be consistent with the health, safety, and public welfare of the County.

A spot zone is defined as a zone change request which would give a zone different from the surrounding zone to one small area, especially when only one premises is involved. Such a surrounding zone may be approved only when:

1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the

nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

Section 19. Landscaping and Buffer Landscaping Regulations:

Where a nonresidential zone which is hereafter developed for a business purpose abuts a conforming residential use, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.

1. Sites of one acre or less:

- a. There shall be a landscaped setback along all streets of no less than ten feet.
- b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
- c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback may contribute toward this requirement.

2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of not less than 15 feet. All other requirements are the same as 1.b and 1.c above.

3. Sites of five acres or more:

- a. There shall be a landscaped setback along all streets of no less than 20 feet.
- b. The landscaped setback shall not be counted toward the landscaping required as a result of paving.
- c. All other requirements [shall be the] same as 1.b. and 1.c. above.

ANALYSIS:

Surrounding Land Use and Zoning

The subject site is located with in a single-family residential dwellings on the north, west and east sides. To the south is Rio Bravo Boulevard.

Plans

Albuquerque/Bernalillo County Comprehensive Plan

The subject site is located in the Semi Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and is adjacent to the Rural Area of the Comprehensive Plan, which begins on the west side of Coors Boulevard. Comprehensive Plan Policy a states that development in the semi-urban area shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; the overall gross density shall be up to three dwelling units per acre. Although located adjacent to Rio Bravo Boulevard, the proposed use is located in an established residential community.

The creation of a commercial zone in this area presents a potential for unevaluated commercial uses in this area, which may adversely impact the surrounding community and begin to erode the residential nature of the area. The Comprehensive Plan echoes this concern in Land Use Policy c that states that mixed-use areas should protect residential uses in the area, while offering a variety of local employment opportunities.

Southwest Area Plan (SWAP)

Policy 26 of the Southwest Area Plan recommends up to three dwelling units per net acre in Residential Area 3 when City sewer is available to the site proposed for subdivision. The SWAP also defines the corner of Rio Bravo Boulevard and Coors Boulevard as a Neighborhood Center.

Policy 34 of the SWAP requires the preservation of views to and from the site, where feasible. Screening of mechanical equipment and service and loading areas is important in order to preserve the integrity of the surrounding area. Note 5 states that HVAC will be screened with parapets/screen walls equal to or above the top of all HVAC equipment and will be covered to prevent any glare for passing motorists. In addition, all ground-mounted equipment, refuse containers and loading docks should be screened from public view.

Policy 30 of the SWAP recommends that outdoor lighting not interfere with the night sky environment and not unnecessarily illuminate adjacent properties. The SWAP further recommends that any outdoor light poles within residential areas not exceed 16 feet in height above existing grade and building-mounted lighting should not exceed 12 feet from existing grade and that all light fixtures and on premises signs be designed and operated as cutoff or shielded amiable fixtures.

The submitted site plan does not contain any reference to exterior lighting, however the use of such lighting for a small-scale business of this type is common and may have been overlooked. The recommendations of the SWAP should be satisfied given the size and location of the request relative to issues of light pollution in this area of the South Valley. The current request for a zone change does not allow any provision for requiring the aforementioned design elements as conditions of approval.

Zoning Ordinance

The Bernalillo County Zoning Ordinance, Section 13. B. (2) defines the permissive uses in the C-N zone. Some of the permissive uses in the C-N zone include automobile, motorcycle, bicycle, motorized bicycle (moped), all terrain vehicle, and small engine repairing, banking and loaning money. Additional permissive uses include drugstore, dry cleaning, laundry, health gymnasiums, laundromats, and medical clinic.

Retail sales of the following goods, auto parts, bakery goods, books, magazines, newspapers, stationery for retail sales, but not an adult bookstore, clothing, shoes, cosmetics, notions, hobby supplies, feed store, package liquor store, paint store, pet shop, photographic equipment, sporting goods, service stations and restaurants.

Section 19 deals with the landscaping and buffer landscaping regulations and requires that landscaping be in all zones for industrial commercial and multifamily uses.

A Landscape Plan is provided and indicates what appear to be trees or shrubs along the south and east boundaries of the property, landscaping is not provided along Del Norte Drive SW. However a landscape is not required for a zone change.

Agency Comments

Comments from the Public Works Division point out that this site is located within a designated flood hazard area as defined by the Federal Emergency Management Agency (FEMA). Any development of this property must conform to the Bernalillo County Flood Damage Prevention Ordinance. The property may be subject to the flood insurance requirements of the Federal Emergency Management Agency (FEMA). Flood insurance is likely to be required for development of this property."

Comments from the Zoning Department point out that there are no commercial zones adjacent to the property and the establishment of a commercial zone in this area is a spot zone. The Zoning Department states that a special use permit would be more appropriate. The plan if approved would have to meet the Off Street Parking Requirements along with the Landscape Ordinance.

Conclusion

Resolution 116-86 establishes policies regarding zone change and Special Use Permit requests. The Resolution states that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justifies a change in land use or that a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the BCC. It does appear that there has been changed community conditions in this specific area.

The proposed use may be more appropriate as a Special Use permit request. The applicant has included a petition of neighborhood support that identifies a beauty salon rather than a C-N commercial zone. It appears that community support for a specific use for a beauty salon was sought but the petition makes no mention of a C-N zone. An additional inconsistency is evidenced by the letter of support from the president of the Barcelona Neighborhood Association president, which calls for a C-1 zone. Interestingly, the agent for the applicant is also the president of the Barcelona Neighborhood Association (Attachment 1).

Ultimately, this request constitutes a spot zone. A spot zone may be approved only when the change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan or the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone. In this case, it does not appear any of the criteria for approval of a spot zone is present with this request.

Additional Staff Comment (April 6, 2006)

This case was deferred from the November 2, 2005 public hearing in order to allow the applicant to revise the request. The applicant has made several significant revisions to the proposal. The current submittal is now a request for a Special Use Permit for a Specific Use for Beauty Shop rather than a zone change request, which was presented, to the County Planning Commission on November 2, 2005.

The Special Use Permit request allows the neighborhood and surrounding community to evaluate the specific use, which is proposed. In addition, the applicant has submitted a detailed site plan that illustrates the proposed facility. The barbershop and beauty salon consists of approximately 7,000 square feet and includes ample parking and landscaping with regard to the Zoning Ordinance.

The interior of the proposed barbershop and salon includes a primary salon area of approximately 3,042 square feet that include five chairs, tanning booth, pedicure and manicure and an office and break room. The salon also includes three areas that are identified as lease areas for additional

barbers and beauticians, the additional space includes three separate areas each area with a barber chair and office. It is not clear what the proposed office uses are. The combined square footage of the three lease areas is approximately 4,200 square feet.

Resolution 116-86 requires that unique conditions exist that justify the request and that there be substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use. The applicant has submitted a petition of neighborhood support in preparation of the previous submittal of November of 2005, which contains signatures from residents from within close proximity of the site.

However, evaluation of the petition reveals that information is for a facility of a significantly smaller size than what is proposed in the current application. In order to remain consistent with the intent of Resolution 116-86 additional time may be required to allow the applicant to secure neighborhood support for the current site plan and application.

RECOMMENDATION:

DEFERRAL of CSU-60013.

Enrico Gradi
Program Planner

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

This property has two utility account numbers. 1] Acct. 23046832 has flat rate sewer, refuse and no water; 2] Acct. 230036601 has water and refuse. Upon development the property shall consolidate the accounts into one account with water, sewer and refuse being serviced all inclusive.

Beauty salon's typically use chemicals that are not allowed to be disposed of in the waste stream. The City of Albuquerque has a Pre-treatment Engineering service to assist Salon's in the proper disposal of Beauty Salon products.

Contact Stewart Reader at 873-7047 for pre-treatment, guidance and compliance with all chemicals used in the Salon and disposed of in the waste stream [through all means].

Fire:

No comment

Public Works:

DRAN:

1. A grading and drainage plan prepared by an engineer licensed in the state of New Mexico and approved by Bernalillo County Public Works is not required for this zone change application.

2. A grading and drainage plan prepared by an engineer licensed in the state of New Mexico and approved by Bernalillo County Public Works is required prior to development of this property.

3. This property is located within a designated flood hazard area by the Federal Emergency Management Agency (FEMA). Any development of this property must conform to the Bernalillo County Flood Damage Prevention Ordinance. The property may be subject to the flood insurance requirements of the Federal Emergency Management Agency (FEMA). Flood insurance is likely to be required for development of this property."

4. Elevation certificates prepared by a surveyor registered in the state of New Mexico are required of any future structure(s) or structure addition(s) with substantial improvements (50%) within a floodplain. The lowest floor elevation including a basement must be above the Base Flood Elevation (BFE) shown on Flood Insurance Rate Maps (FIRMs) prepared for this area". Elevation certificates are prepared before and after construction and show the planned and constructed elevations of the lowest floor.

DRE:

No adverse comment to this proposed zone change. Improvements may be required to road infrastructure at the time of site development.

Building Department

No comments

Zoning Manager:

Must comply with below listed comments.

There are no commercial zones adjacent to the property. This would be spot zoning. A special use permit would be more appropriate. The plan if approved would have to meet the OFF-Street Parking Requirements along with the Landscape Ordinance. Shall meet commercial sign ordinance. Shall comply with all other zoning ordinances applicable to project.

Parks & Recreation:

Sheriff's:

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No comment

AMAFCA:

No comment

City Public Works:

No comment

City Open Space:

No comment

City Transit:

No comment

State of New Mexico Highway Department

No comment

NEIGHBORHOOD ASSOCIATIONS:

The South Valley Coalition of Neighborhood Associations

Barcelona Neighborhood Association